
HOUSE BILL No. 1205

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21; IC 9-30-13-1.

Synopsis: Motor vehicle operation penalties. Increases penalties for persons who violate certain laws concerning motor vehicle operation if the violation results in: (1) an injury to another person; (2) a serious bodily injury to another person; or (3) the death of another person.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1205

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-8-49 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 49. **(a)** Except as
3 provided in sections 50, 51, 52, ~~and 54~~, **and 55** of this chapter, a person
4 who violates this chapter commits a Class C infraction. **However, a**
5 **violation of this chapter is a Class B infraction if the violation**
6 **results in the death of another person.**

7 **(b) In addition to any other penalty imposed, if a violation of**
8 **this chapter results in:**

9 **(1) injury to another person, the court shall recommend that**
10 **the person's driving privileges be suspended for thirty (30)**
11 **days;**

12 **(2) serious bodily injury to another person, the court shall**
13 **recommend that the person's driving privileges be suspended**
14 **for ninety (90) days; or**

15 **(3) the death of another person, the court shall recommend**
16 **that the person's driving privileges be suspended for one**
17 **hundred eighty (180) days.**



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SECTION 2. IC 9-21-8-50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 50. (a) A person who operates a tractor-trailer combination in a reckless or deliberate attempt to:

- (1) endanger the safety or property of others; or
 - (2) block the proper flow of traffic;
- commits a Class B misdemeanor. **However, the offense is a Class A misdemeanor if it results in the death of another person.**

(b) In addition to any other penalty imposed, if an offense under subsection (a) results in:

- (1) injury to another person, the court shall recommend that the person's driving privileges be suspended for one (1) year; or**
- (2) the death of another person, the court shall recommend that the person's driving privileges be suspended for three (3) years.**

SECTION 3. IC 9-21-8-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 51. (a) A person who:

- (1) operates a vehicle; and
 - (2) fails to dim bright or blinding lights when meeting another vehicle or pedestrian;
- commits a Class B infraction.

(b) In addition to any other penalty imposed, if a violation of subsection (a) results in:

- (1) injury to another person, the court shall recommend that the person's driving privileges be suspended for thirty (30) days;**
- (2) serious bodily injury to another person, the court shall recommend that the person's driving privileges be suspended for ninety (90) days; or**
- (3) the death of another person, the court shall recommend that the person's driving privileges be suspended for one hundred eighty (180) days.**

SECTION 4. IC 9-21-8-52, AS AMENDED BY P.L.1-2005, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
 - (A) endanger the safety or the property of others; or
 - (B) block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a

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curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted;

(4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass; or

(5) passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position;

commits a Class B misdemeanor. **However, the offense is a Class A misdemeanor if it results in the death of another person.**

(b) **In addition to any other penalty imposed**, if an offense under subsection (a) results in:

(1) damage to the property of another person, the court shall recommend **that the suspension of the current driving license of the person person's driving privileges be suspended** for a fixed period of:

(1) **(A)** not less than thirty (30) days; and

(2) **(B)** not more than one (1) year;

(2) **injury to another person, the court shall recommend that the person's driving privileges be suspended for one (1) year; or**

(3) **the death of another person, the court shall recommend that the person's driving privileges be suspended for three (3) years.**

SECTION 5. IC 9-21-8-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 54. (a) A person who violates section 35(b) or section 35(c) of this chapter commits a Class A infraction.

(b) If a violation of section 35(b) of this chapter results in damage to the property of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(c) If a violation of section 35(c) of this chapter results in damage to the property of another person of at least two hundred fifty dollars (\$250), in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than ninety (90) days and not more than one (1) year.

(d) If a violation of section 35(b) or section 35(c) of this chapter results in injury to another person, in addition to any other penalty

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imposed, the court shall recommend that the person's driving privileges be suspended for a fixed period of not less than one ~~hundred eighty~~ ~~(180) days~~ **(1) year** and not more than two (2) years.

(e) If a violation of section 35(b) or section 35(c) of this chapter results in the death of another person, in addition to any other penalty imposed, the court shall recommend that the person's driving privileges be suspended for ~~two (2)~~ **three (3)** years.

(f) The bureau shall, upon receiving a record of a judgment entered against a person under this section:

(1) suspend the person's driving privileges for a mandatory period; or

(2) extend the period of an existing suspension for a fixed period; of not less than ninety (90) days and not more than ~~two (2)~~ **three (3)** years. The bureau shall fix this period in accordance with the recommendation of the court that entered the judgment.

SECTION 6. IC 9-21-8-55, AS ADDED BY P.L.75-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 55. (a) This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.

(b) For purposes of this section, a person engages in aggressive driving if, during one (1) episode of continuous driving of a vehicle, the person does or commits at least three (3) of the following:

(1) Following a vehicle too closely in violation of IC 9-21-8-14.

(2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.

(3) Overtaking another vehicle on the right by driving off the roadway in violation of IC 9-21-8-6.

(4) Unsafe stopping or slowing a vehicle in violation of IC 9-21-8-26.

(5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.

(6) Failure to yield in violation of IC 9-21-8-29 through IC 9-21-8-34.

(7) Failure to obey a traffic control device in violation of IC 9-21-8-41.

(8) Driving at an unsafe speed in violation of IC 9-21-5.

(9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in another vehicle, knowingly or intentionally engages in aggressive driving commits aggressive driving, a Class A misdemeanor.

(d) In addition to any other penalty imposed, if an offense under this section results in:

(1) injury to another person, the court shall recommend that

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1 the person's driving privileges be suspended for one (1) year;
 2 or
 3 (2) the death of another person, the court shall recommend
 4 that the person's driving privileges be suspended for three (3)
 5 years.

6 SECTION 7. IC 9-21-10-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A motorcycle is
 8 entitled to the full use of a traffic lane, and a vehicle may not be driven
 9 or operated in a manner that deprives another vehicle of the full use of
 10 a traffic lane. Motorcycles may, with the consent of both persons who
 11 operate the motorcycles, be operated with not more than two (2) abreast
 12 in a single traffic lane. **A person who violates this section commits**
 13 **a Class C infraction. However, a violation of this section is a Class**
 14 **B infraction if the violation results in the death of another person.**

15 (b) In addition to any other penalty imposed, if a violation of
 16 subsection (a) results in:

17 (1) injury to another person, the court shall recommend that
 18 the person's driving privileges be suspended for thirty (30)
 19 days;

20 (2) serious bodily injury to another person, the court shall
 21 recommend that the person's driving privileges be suspended
 22 for ninety (90) days; or

23 (3) the death of another person, the court shall recommend
 24 that the person's driving privileges be suspended for one
 25 hundred eighty (180) days.

26 SECTION 8. IC 9-21-10-13 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. **Except as**
 28 **provided in section 6 of this chapter**, a person who violates this
 29 chapter commits a Class C infraction.

30 SECTION 9. IC 9-30-13-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **Except as provided**
 32 **in IC 9-21-8-55(d)**, for a person who uses a motor vehicle to commit
 33 recklessness under IC 35-42-2-2, the judge of the court in which the
 34 person is convicted shall recommend that the current driver's license of
 35 the person be suspended for not less than sixty (60) days and not more
 36 than two (2) years.

37 SECTION 10. [EFFECTIVE JULY 1, 2007] **IC 9-21-8-50,**
 38 **IC 9-21-8-52, IC 9-21-8-55, and IC 9-30-13-1, all as amended by**
 39 **this act, apply only to offenses committed after June 30, 2007.**

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